

HONORABLE BARBARA J. ROTHSTEIN



01-MD-01407-ORD

FILED  
LODGED  
ENTERED  
RECEIVED

AUG 26 2003

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE Phenylpropanolamine (PPA) Products )	No. MDL 1407
Liability Litigation )	
----- )	CASE MANAGEMENT ORDER
	NO. 15A, CONCERNING SEVERANCE
	OF MULTIPLE PLAINTIFF CASES IN
This document relates to all actions. )	MDL 1407

The following order shall serve as an adjunct to Case Management Order 15 ("CMO 15") concerning severance of multiple plaintiff cases in MDL 1407 and shall go into effect sixty (60) days subsequent to the issuance of CMO 15A.

1. Complaints Filed Pursuant to CMO 15. Any newly filed individual severed Complaints filed in accordance with paragraph 1.A of CMO 15 that adopt, restate, or reallege any allegations or provisions contained in the original multiple plaintiff Complaint shall only constitute a new action against those defendants specifically named in that newly filed individual severed Complaint. The newly filed individual severed Complaint shall not constitute a new action against any of the remaining defendants previously named in the original multiple plaintiff Complaint. From the effective date of this Order, newly filed individual severed Complaints shall not use the caption of the original multiple plaintiff Complaint but shall use a new caption specifically naming the individual plaintiff and affected defendants.


1           2.     Failure to Obtain New Counsel. Any plaintiff whose counsel withdraws from  
2 representation and fails to notify the Court in writing of appearance of new counsel, or of their  
3 intent to proceed *pro se*, within sixty (60) days of this Order shall, upon motion by any party,  
4 have their case dismissed with prejudice. Last counsel of record shall notify individual  
5 plaintiffs of this requirement.

6           3.     Dismissal of Original Complaints. The original multiple plaintiff Complaints  
7 (set forth in Exhibit A attached) shall be dismissed with prejudice as of the effective date of  
8 this Order, which includes any plaintiffs for whom a timely filed individual severed Complaint  
9 was not filed. The claims of any plaintiffs who have filed a new individual severed Complaint  
10 will not be considered dismissed, but will continue in the newly filed complaints.  
11 Notwithstanding the dismissal of the original Complaint, and pursuant to CMO 15,  
12 paragraph 1.C, the allegations contained in the original multiple plaintiff Complaints may be  
13 incorporated in the newly filed severed Complaint (except as so limited by paragraph 1 of this  
14 Order). If any multiple plaintiff Complaints are docketed in MDL 1407 after the entry of this  
15 Order, plaintiffs must sever the claims of the plaintiffs in accordance with CMO 15. After all  
16 applicable deadlines set forth in CMO 15 have elapsed, defendant may move for the dismissal  
17 of the original multiple plaintiff complaint in accordance with the provision of this CMO.  
18 Defendants must serve the motion to dismiss on plaintiffs' liaison counsel and counsel of  
19 record in the individual case.

20           4.     Noncompliant Complaints. Upon motion of any defendant, any newly filed  
21 individual Complaints, which do not substantially comply with CMO 15, must be refiled with  
22 the appropriate information within thirty (30) days. Failure to refile any newly filed individual  
23 Complaint in compliance with CMO 15 within thirty (30) days of a motion pursuant to this  
24 paragraph may result in a dismissal with prejudice. In response to such a motion to dismiss, if  
25 plaintiff either fails to file a new individual Complaint in compliance with CMO 15, fails to  
26

1 show that the previously filed individual Complaint is in compliance, or fails to show good  
2 cause as to failure to comply, the Court shall dismiss the plaintiff's case with prejudice.

3 DATED this 25<sup>th</sup> day of August, 2003.

4  
5   
6 Hon. Barbara J. Rothstein  
United States District Judge

7 Presented by:

8 LANE POWELL SPEARS LUBERSKY LLP

9  
10 By D. Joseph Hurson  
11 D. Joseph Hurson  
12 WSBA No. 09296  
*Liaison Counsel for MDL Defendants*

13 Approved As to Form; Notice of Presentation  
14 Waived by:

15 LEVINSON FRIEDMAN, P.S.

16 By Lance E. Palmer  
17 Lance E. Palmer  
18 WSBA No. 18141  
*Liaison Counsel for MDL Plaintiffs*

**EXHIBIT A**  
**Multiple Plaintiff Cases Pending in MDL 1407 as of the Date of CMO 15**

Case	MDL DOCKET NUMBER
Ackel	02-cv-01856
Adams, Barbara	02-cv-02375
Adams, Irene	02-cv-00781
Adams, Linda	02-cv-01708
Anderson	02-cv-00604
Andry	02-cv-00776
Ardoin	02-cv-00777
Ashley	02-cv-00790
Ashton	02-cv-01860
Avalos	02-cv-02624
Bandy	02-cv-02585
Baker	02-cv-00366
Banks	02-cv-00513
Barrilleaux	02-cv-00542
Barnett	02-cv-00423
Beals	02-cv-00787
Bennett	03-cv-00357
Bertrand	02-cv-02619
Bickham	02-cv-00907
Bond	03-cv-00891
Bourgeois	02-cv-00543
Boyd	02-cv-02584
Brock	02-cv-00541
Brooks	02-cv-02538
Brown	03-cv-00841
Brumley	02-cv-02626
Bullock, Eddie	03-cv-00538
Bullock, Mamie	03-cv-00598

Case	MDL DOCKET NUMBER
Burbel	02-cv-00258
Byrd	02-cv-02371
Carrisallez	02-cv-02622
Charlet	02-cv-00539
Claiborne	02-cv-01371
Clay	02-cv-02534
Coleman	03-cv-00599
Conway	01-cv-02108
Cunningham	03-cv-00191
Davis, Jim	02-cv-01021
Davis, Gregory	02-cv-00422
DeLatte	02-cv-00363
Dille	02-cv-01782
Earl	02-cv-01367
Everidge	02-cv-01858
Fife	01-cv-02144
Fleming	03-cv-00351
Flucker	02-cv-02158
Fortenberry	02-cv-00786
Garza	02-cv-02628
Gentry	02-cv-02621
George	02-cv-00779
Gilbert	02-cv-01076
Griffin	02-cv-02623
Harris	02-cv-02587
Huggins	01-cv-02139
Ingram	02-cv-02533
Jones, Mildred	02-cv-00367
Knight	03-cv-00851
Landry	02-cv-01859

Case	MDL DOCKET NUMBER
Madison	03-cv-01106
Malveaux	02-cv-02372
McClellan	02-cv-02629
McCullough	02-cv-02595
McGriggs	01-cv-01651
McGuffee	01-cv-01652
Mustoe	02-cv-00775
Myers	02-cv-01170
Newell	02-cv-00421
Norman	02-cv-00043
Patterson	02-cv-02374
Pier	02-cv-02373
Ratliff	02-cv-01372
Riptoe	02-cv-00355
Rowe	02-cv-01857
Russ	03-cv-00427
Saverin	02-cv-02594
Stroud	02-cv-02376
Temple	02-cv-00911
Tobias	03-cv-00597
Ware	03-cv-00208
Washington	03-cv-01107
Waters	02-cv-00019
Wilkinson	03-cv-00939
Willoz	02-cv-00347
Wilson	02-cv-02532
Womack	02-cv-02020
Zeno	02-cv-00789